Remarks

1. Summary of Office Action

In the Office Action mailed January 25, 2005, the Examiner objected to the left margin of the original application, the Examiner provisionally rejected claims 1-6, 9-12 and 14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in copending Application No. 10/138,364, the Examiner rejected claims 1-6, 8-12, 14-15, and 20-22 as being unpatentable over U.S. Patent No. 6,460,036 (Herz) in view of U.S. Patent No. 6,654,735 (Eichstaedt), the Examiner rejected claims 7 and 13 as being unpatentable over Herz in view of Eichstaedt in further view of U.S. Patent No. 6,088,707 (Bates), the Examiner rejected claims 16-19 as being unpatentable over Herz in view of Eichstaedt in further view of Bates and in further view of U.S. Patent No. 5,724,567 (Rose), and the Examiner rejected claims 23-26 as being unpatentable over Herz in view of Eichstaedt in further view of Cooper et al, MCSE Supporting and Maintaining a Windows NT® Server 4.0 Network (Cooper).

2. The Claimed Invention

Applicant has amended claims 6 and 22 to more particularly point out and distinctly claim the subject matter of the invention. Claim 7 has been cancelled. Now pending in this application are claims 1-6 and 8-26, of which claims 1, 6, 12, and 22 are independent and the remainder are dependent.

The invention as claimed includes functions for measuring a user's interest in a given subject. Independent claim 1, for instance, includes the function of establishing a "count of web pages" that contain "a threshold number of keywords related to the given subject." Similarly, independent claims 6 and 22, as amended, provides for establishing a "count of keywords related

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to the given subject," but then caps the count for each web page to a "predetermined maximum number of keywords." Then, dependent claim 8 provides that the various keyword counts are summed for the given subject matter. Independent claim 12 includes functional limitations requiring establishment of both the total number of web pages with the threshold number of keywords related to the subject and the count of keywords related to the subject. In claim 12, these concepts are combined to establish a measure of the user's interest in the subject matter.

3.   Response to Objection regarding improper margins

As noted above, the Examiner objected to informalities in the specification, noting that the left margins are less than one inch. Applicant has attached a substitute specification with proper margin formatting. The substitute specification includes no new matter and no other changes to the text.

4.   Response to double patenting rejection.

The Examiner provisionally rejected claims 1-6, 9-12 and 14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in copending Application No. 10/138,364.

In response, Applicant would prefer to delay the determination of whether to file a terminal disclaimer to a point in time when the rejection becomes non-provisional.

5.   Response to Obviousness Rejections.

The Examiner rejected claims 1-26 as being obvious over various combinations of references. Under M.P.E.P. § 2143, in order for a combination of references to render a claim obvious, the combination must disclose or suggest all of the elements of the claim. Because the

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combinations presented fail to disclose or suggest all the elements of the claims, Applicants respectfully request that the rejections be withdrawn.

The following remarks specifically point out a number of failings of the references and several of the distinct features of the invention as claimed.

a) The References Do Not Relate Keywords to Subjects

The Examiner indicated that two references, Herz and Eichstaedt, relate to a user's interest in a given subject or category. Herz is related customization of electronic newspapers and does provide an example application in a specific subject area (matching car buyers with car sellers). Herz, col. 17, lines 10-28. In the area of outbound information analysis, Eichstaedt discloses a taxonomy tree with leaf categories and inner categories and "maintains a weight vector [of interest level in the category] w to measure the user's current interest level in each category." In Eichstaedt, the "weighting" occurs across multiple outbound queries to determine the user's current interest level in each category.

However, in both Herz and Eichstaedt, the subject/category is assigned or presumed and is associated with the document as a whole rather than with individual keywords. For instance, in Eichstaedt, the category is assumed:

> For simplicity, we assume that all documents and queries <u>are assigned to the leaf categories</u> of a taxonomy tree. Eichstaedt, col. 8, lines 18-19. (emphasis added).

The approach of Herz and Eichstaedt is in stark opposition to the claimed invention. In the claimed invention, the document or query as a whole is not assigned to a subject. Rather, keywords within the document are related to the given subject. These keywords are counted (claims 1-26), their threshold determined (claims 1 and 12), capped (claims 6, 13, and 22), the

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counts summed (claim 8), and otherwise combined (see claim 12) in order to better establish the user's interest in the given subject.

Because the cited references do not disclose or suggest keywords related to the subject, the references cannot obviate the application as claimed.

b) The References Do Not Establish a Keyword Threshold.

Claims 1 and 12 provide for establishing a count of web pages sent to a user that each contain at <u>least a threshold number of keywords related to the given subject</u>. Beneficially, the threshold number may allow for greater specificity in identifying interest in a given subject and also may reduce server load, for instance.

Because none of the cited references disclose or suggest taking an action based on whether a web page has <u>at least a threshold number of keywords related to the given subject</u>, the references cannot obviate independent claims 1 and 12 or their dependents.

c) The References Do Not Cap The Keyword Count to a Predetermined Maximum Number of Keywords.

Claims 6, 13, and 22 provide for capping the keyword count for each web page to a predetermined maximum number of keywords. Beneficially, the cap may provide a mechanism for reducing skew and reducing server load.

Because none of the cited references disclose or suggest <u>capping a keyword count at a predetermined maximum number of keywords</u>, the references cannot obviate claims 6, 13, and 22 or their dependents.

d) The Invention Provides a Unique Combination of Values as a Measure of User's Interest in a Given Subject.

Independent claim 12 of the present invention provides for combining both (i) a subject-specific page count value, S, that represents a number of web pages sent to the user that each contain at least a threshold number of keywords related to the given subject and (ii) a keyword count value, K, that represents a number of keywords related to the given subject that appear in web pages sent to the user. According to the claims, these values, along with a total page count, P, are used in combination to establish a measure of the user's interest level in the given subject.

In claim 15, this combination is defined as "computing the measure as $(K)(S)/(P)$." Although, as the examiner indicated, Herz provided an equation for measuring user interest by "adding and then dividing," the Herz equations involved measures other than a number of keywords related to the given subject, a the number of web pages received that contain at least a threshold number of keywords related to the given subject, or a total number of pages received.

Because none of the cited references disclose or suggest this unique combination of values, the references cannot obviate independent claim 12 or its dependents (including dependent claim 15).

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5. Conclusion

In view of the foregoing, Applicant submits that claims 1-6 and 8-29 are in condition for allowance, and Applicant therefore respectfully request favorable reconsideration.

Respectfully submitted,

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